

3 MARCH 2004

10/529070

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA		Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION		
International application No. PCT/AU03/01271	International filing date (day/month/year) 25 September 2003	(Earliest) Priority date (day/month/year) 26 September 2002
Title of invention A NEW SYSTEM FOR CONTROLLING ACCESS TO PROFESSIONAL PROCEDURAL		
Box No. II APPLICANT(S)		
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) VIVANTTI PTY LTD 13 Knott Court WHITFIELD CAIRNS, Queensland 4870		Telephone No. 07 3221 7200 Facsimile No. 07 3221 1245 Telex/Teletype No. Applicant's registration No. with the Office
State (that is, country) of nationality: Australia		State (that is, country) of residence: Australia
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) DOYLE, Mark 13 Knott Court WHITFIELD CAIRNS, Queensland 4870		
State (that is, country) of nationality: Australia		State (that is, country) of residence: Australia
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)		
State (that is, country) of nationality: 		State (that is, country) of residence:
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.		

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is agent common representative
 and has been appointed earlier and represents the applicant(s) also for international preliminary examination:
 is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.
 is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) GRIFFITH HACK Level 10 167 Eagle Street BRISBANE, Queensland 4000	Telephone No. 07 3221 7200
	Facsimile No. 07 3221 1245
	Teleprinter No.
	Agent's registration No. with the Office

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION

Statement concerning amendments:*

1. The applicant wishes the international preliminary examination to start on the basis of:

the international application as originally filed
 the description as originally filed
 as amended under Article 34

the claims as originally filed
 as amended under Article 19 (together with any accompanying statement)
 as amended under Article 34

the drawings as originally filed
 as amended under Article 34

2. The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.
 3. The applicant wishes the start of the international preliminary examination to be postponed until the expiration of the applicable time limit under Rule 69.1(d).
 4. The applicant expressly wishes the international preliminary examination to start earlier than at the expiration of the applicable time limit under Rule 54bis.1(a).

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: English

which is the language in which the international application was filed.
 which is the language of a translation furnished for the purposes of international search.
 which is the language of publication of the international application.
 which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT.

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:			For International Preliminary Examining Authority use only	
			received	not received
1. translation of international application	:	sheets	<input type="checkbox"/>	<input type="checkbox"/>
2. amendments under Article 34	:	sheets	<input type="checkbox"/>	<input type="checkbox"/>
3. copy (or, where required, translation) of amendments under Article 19	:	sheets	<input type="checkbox"/>	<input type="checkbox"/>
4. copy (or, where required, translation) of statement under Article 19	:	sheets	<input type="checkbox"/>	<input type="checkbox"/>
5. letter	:	1 sheets	<input type="checkbox"/>	<input type="checkbox"/>
6. other (specify)	:	sheets	<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- 1. fee calculation sheet
- 2. original separate power of attorney
- 3. original general power of attorney
- 4. copy of general power of attorney; reference number, if any:
- 5. statement explaining lack of signature
- 6. sequence listing in computer readable form
- 7. tables in computer readable form related to a sequence listing
- 8. other (specify):

Box No. VII SIGNATURE OF APPLICANT, AGENT, OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).



Peter John WILLIAMS
Registered Patent Attorney of GRIFFITH HACK

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:	
2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):	
3. <input type="checkbox"/> The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply. <input type="checkbox"/> The applicant has been informed accordingly.	6. <input type="checkbox"/> The date of receipt of the demand is AFTER the expiration of the time limit under Rule 54bis.1(a) and item 7 or 8, below, does not apply. 7. <input type="checkbox"/> The date of receipt of the demand is WITHIN the time limit under Rule 54bis.1(a) as extended by virtue of Rule 80.5. 8. <input type="checkbox"/> Although the date of receipt of the demand is after the expiration of the time limit under Rule 54bis.1(a), the delay in arrival is EXCUSED pursuant to Rule 82.
For International Bureau use only	

Demand received from IPEA on:

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

CORRECTED VERSION

PCT

WRITTEN OPINION
(PCT Rule 66)

To: Griffith Hack GPO Box 3125 BRISBANE QLD 4001		Date of mailing (day/month/year) - 3 MAY 2004
Applicant's or agent's file reference PW:FP18435		REPLY DUE within TWO MONTHS from the above date of mailing
International Application No. PCT/AU2003/001271	International Filing Date (day/month/year) 25 September 2003	Priority Date (day/month/year) 26 September 2002
International Patent Classification (IPC) or both national classification and IPC Int. Cl. 7 G06F 17/60, 17/30, 19/00, 159:00		
Applicant VIVANTTI PTY LTD et al		

1. This written opinion is the first drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The FINAL DATE by which the international preliminary examination report must be established according to Rule 69.2 is:
26 January 2005

4. The applicant is hereby invited to reply to this opinion.

When? See the Reply Due date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the Final Date by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established. If no response is filed by 1 month before the Final Date, the international preliminary examination report will be established on the basis of this opinion.

Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least 3 months before the Final Date by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

Name and mailing address of the IPEA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaaustralia.gov.au
Facsimile No. (02) 6285 3929

Authorized Officer

P. THONG
Telephone No. (02) 6283 2128

CORRECTED VERSION

WRITTEN OPINION

International application No.
PCT/AU2003/001271

L Basis of the opinion

1. With regard to the elements of the international application:*

the international application as originally filed.

the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of

the claims, pages , as originally filed,
pages , as amended under Article 19,
pages , filed with the demand,
pages , received on with the letter of

the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of

the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

contained in the international application in printed form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

the description, pages

the claims, Nos.

the drawings, sheets/fig.

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"

CORRECTED VERSION

WRITTEN OPINION

International application No.
PCT/AU2003/001271

v. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 11,12,18-23	YES
	Claims 1-10,13-17	NO
Inventive step (IS)	Claims 23	YES
	Claims 1-22	NO
Industrial applicability (IA)	Claims 1-23	YES
	Claims	NO

2. Citations and explanations

D1 = US 2002/0062218 D2 = WO 2001/039076 D3 = US 6256613

New Citations

D4 = WO 2001/086479 A (KNAPP) 15 November 2001

D5 = US 6171112 B1 (CLARK et al.) 9 January 2001

Only citations D4 and D5 are considered relevant.

NOVELTY (N): Claims 1-10,13-17

Citation D5 is relevant because it discloses a system (column 16 line 59) for controlling access to procedural information comprising:

- An internet site (column 16 line 65, column 26 lines 6 to 16) with means for client or entity data entry and means to verify id codes (column 12 lines 57 to 64, column 13 line 47, column 18 lines 49 to 55 and figures 15 to 17)
- Means for storing clients id codes, procedure information and entity associated with performing the procedure (column 8 line 62 to column 9 line 9)
- Means for monitoring client access to the procedure information and for recording such an access as per page 11 lines 13 to 15 of the application (column 11 lines 13 to 40, column 14 lines 42 to 57 and column 15 line 48 to column 16 line 35 etc.)

Citation D4 (page 15 line 5 to page 18 line 27, figures 4a and 4b etc.) anticipates the claimed arrangement in a similar manner.

In view of such disclosures, the claimed arrangement cannot be considered novel.

NOTE: a) See also Box VI "Certain documents cited".

b) Refer to Supplemental Box for continuation of this box.

CORRECTED VERSION**WRITTEN OPINION**

International application No.

PCT/AU2003/001271**VI. Certain documents cited****1. Certain published documents (Rule 70.10)**

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
P,X US 6461162	8 October 2002	5 June 2000	5 June 2000
E,X US 2003/0216940	20 November 2003	10 April 2003	10 April 2002

With regard to the document listed in Box VI under "Certain documents cited", this is a document published prior to the international filing date but later than the priority date claimed but which would otherwise be considered to be of particular relevance.

Under the PCT, novelty is considered only in respect of document(s) published before the priority date. The relevance of a document published after the priority date is dependent upon national law. Such documents are excluded from consideration in preliminary examination, under the PCT Guidelines but have been included here for information.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)

CORRECTED VERSION

WRITTEN OPINION

International application No.

PCT/AU2003/001271

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V.2. Citations and explanations

INVENTIVE STEP (IS): Claims 1-22

Claims 1-10,13-17: As above.

Claims 11,12: Citation D5 (page 17 lines 22 to 28) discloses that following an access session, a provider is mailed an encrypted message regarding a session. Although e-mail is not specified, its usage in message delivery cannot be considered inventive in the light of common general knowledge.

Claims 18-22: Citation D4 (figure 24) includes a disclaimer toward the end of a session. Placing a disclaimer at the onset of a session is a variation that do not contribute to an inventive step.

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PJW:FP18435	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/001271	International Filing Date (day/month/year) 25 September 2003	Priority Date (day/month/year) 26 September 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 G06F 17/60, 17/30, 19/00, 159:00		
Applicant VIVANTTI PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 5 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheet(s).
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement VI <input checked="" type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 13 April 2004	Date of completion of the report 18 January 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer P. THONG Telephone No. (02) 6283 2128

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/001271

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
P,X US 6461162	8 October 2002	5 June 2000	5 June 2000
E US 2003/0216940	20 November 2003	10 April 2003	10 April 2002

With regard to the document listed in Box VI under "Certain documents cited", this is a document published prior to the international filing date but later than the priority date claimed but which would otherwise be considered to be of particular relevance.

Under the PCT, novelty is considered only in respect of document(s) published before the priority date. The relevance of a document published after the priority date is dependent upon national law. Such documents are excluded from consideration in preliminary examination, under the PCT Guidelines but have been included here for information.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/001271

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V.2. Citations and explanations

INVENTIVE STEP (IS): Claims 1-22

Claims 1-10,13-17: As above.

Claims 11,12: Citation D5 (page 17 lines 22 to 28) discloses that following an access session, a provider is mailed an encrypted message regarding a session. Although e-mail is not specified, its usage in message delivery cannot be considered inventive in the light of common general knowledge.

Claims 18-22: Citation D4 (figure 24) includes a disclaimer toward the end of a session. Placing a disclaimer at the onset of a session is a variation that do not contribute to an inventive step.